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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,067	06/24/2003	Charles E. Goodman	BOEI-1-1184	1570.
25315	7590	01/28/2005	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104				SUAREZ, FELIX E
		ART UNIT		PAPER NUMBER
		2857		

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,067	GOODMAN, CHARLES E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Felix E Suarez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 October 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,9,10,13-15,18-23,26,27,30-33,36,37 and 41-43 is/are rejected.  
 7) Claim(s) 7,8,11,12,16,17,24,25,28,29,34,35 and 38-40 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1/24Jun2003.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:

In FIG. 1, blocks 102, 104, 108, 118 and the last block, labels are not readable.

In FIG. 2A-2D and 3A-3B, symbols are not readable.

In FIG. 4, blocks 404, 406, 408 and 426 are not labeled.

Correction is required.

### ***Minor Informalities***

2. The disclosure is objected to because of the following informalities:

In Claim 30 page 14 line 34 the phrase "devise" should be --device--.

In Claim 40 page 16 line 11 the phrase "devise" should be --device--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9, 10, 13, 14, 18, 19, 30-32, 36, 37 and 41-43 are rejected under 35 U.S.C. 102(b) as being unpatentable over Kaloust (U.S. Patent No. 6,246,929).

With respect to claims 1, 13, 19, Kaloust teaches a method (or a computer program product) of analyzing test data obtained from an aeroelastic structure, the method comprising:

reading a plurality of data points, each data point representing a motion at a location on the aeroclastic structure (see col. 9, lines 9-28; col. 10, lines 4-45 and col. 12, lines 27-45);

performing a closed form fit to the plurality of data points to obtain an initial curve fit condition (see col. 23, lines 63-65 and col. 52, line 25 to col. 53 line 10); and

performing at least one non-linear transfer function frequency response curve fit to the plurality of data points (see col. 35, lines 10-54 and col. 62, lines 30-39).

With respect to claim 2, Kaloust further teaches that the aeroelastic structure comprises an aircraft surface, and wherein reading a plurality of data points includes reading a plurality of data points, each data point representing a

motion at a location as a function of frequency (see col. 1, lines 17-27 and col. 59, lines 47-65).

With respect to claims 3 and 14, Kaloust further teaches that reading a plurality of data points includes reading a plurality of flutter test data points (see col. 57, lines 28-42 and col. 59, lines 47-65).

With respect to claim 4, Kaloust further teaches that performing at least one non-linear optimization curve fit to the plurality of data points includes iteratively performing a plurality of non-linear optimization curve fits to the plurality of data points until a convergence criterion is satisfied (see col. 52 line 33 to col. 53 line 10).

With respect to claims 9, 18, 26 and 36, Kaloust further teaches assessing an adequacy of the non-linear optimization curve fit (see col. 53, lines 28-43).

With respect to claims 10, 27 and 37, Kaloust further teaches that performing at least one non-linear optimization curve fit to the plurality of data points includes determining a number of modes to include in the at least one non-linear optimization curve fit to the plurality of data points (see col. 60, lines 45-56).

With respect to claim 30, Kaloust teaches a system for analyzing flutter test data, comprising:

a control component (see col. 8 line 65 to col. 9 line 8 and col. 20, lines 5-60);

an input/output device coupled to receive a plurality of data points (see col. 9, lines 50-60 and col. 10, lines 10-26); and

a processor arranged to analyze the plurality of data points, the processor including:

a first component configured to read the plurality of data points, each data point representing a value at a location (see col. 9 line 61 to col. 10 line 9);

a second component configured to perform a closed form fit to the plurality of data points to obtain an initial curve fit condition (see col. 52 line 25 to col. 53 line 10); and

a third component configured to perform at least one non-linear transfer function frequency response curve fit to the plurality of data points (see col. 35, lines 47-54).

With respect to claim 31, Kaloust further teaches that the input/output devise is coupled to received a plurality of data points, the plurality of data points including a plurality of flutter test data points (see col. 57, lines 28-42).

With respect to claim 41, Kaloust further teaches including a memory component operatively coupled to at least one of the control component, the input/output device, and the processor (see col. 60, lines 21-29).

With respect to claim 42, Kaloust further teaches including a data acquisition component operatively coupled to at least one of the control component, the input/output device, and the processor (see col. 10, lines 10-26 and col. 60, lines 12-29).

With respect to claim 43, Kaloust further teaches that the data acquisition component includes a plurality of data acquisition sensors (see col. 9, lines 9-42).

#### ***Claim Rejections - 35 USC § 103***

4. Claims 5, 6, 15, 20-23, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaloust (U.S. Patent No. 6,246,929) in view of White (U.S. Patent No. 5,444,641).

With respect to claims 5, 6, 15, 22, 23, 32 and 33, Kaloust teaches all the features of the claimed invention, except that Kaloust does not teach that performing at least one non-linear optimization curve fit to the plurality of data points includes performing at least one non-linear optimization curve fit to the

plurality of data points using a Jacobian matrix populated using analytically-derived sensitivities.

But White teaches in an oscillator circuit that, the non-linear equations can be solved by a suitable technique for solving systems of simultaneous non-linear equations, such as the well-known Newton-Raphson solution procedure. The solution procedure includes solving simultaneous linear equations written as a matrix equation.

In this matrix equation is include the [J] matrix element and is so-called Jacobian matrix having the elements that are partial derivatives (see White; col. 12, lines 19-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaloust to include a non-linear equations solution as taught by White, because the non-linear equations solution of White allows to use a Jacobian matrix using analytically-derived values, as desired.

With respect to claim 20, Kaloust in combination with White teaches all the features of the claimed invention, and Kaloust further teaches that the plurality of flutter test data points are acquired using a plurality of sensors (see Kaloust; col. 9, lines 9-28 and col. 10, lines 27-42).

With respect to claim 21, Kaloust in combination with White teaches all the features of the claimed invention, and Kaloust further teaches that the first

computer program portion is further configured to read a plurality of flutter test data points acquired using a plurality of sensors (see Kaloust; col. 52 line 22 to col. 53 line 10 and col. 60, lines 21-56).

5. Claims 7, 8, 11, 12, 16, 17, 24, 25, 28, 29, 34, 35, 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications.

January 6, 2005

F.S.



PATRICK ASSQUAD  
PRIMARY EXAMINER